

November 23, 2004

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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Seattle, Washington 98104  
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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **E0000468**

**CHARLES E. FRANCE**  
Code Enforcement Appeal

Location: 6604 – 211<sup>th</sup> Place Northeast

Appellant: **Charles E. France**  
6604 – 211<sup>th</sup> Place Northeast  
Redmond, Washington 98053  
Telephone: (425) 868-1577

King County: Department of Development and Environmental Services, *represented by*  
**Erroll Garnett**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7102  
Facsimile: (206) 296-6604

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal and extend dates for compliance

**ISSUES/TOPICS ADDRESSED:**

- Building permit for repair of fire-damaged residence;
- Storage of inoperable vehicles;
- Storage of vehicles on unapproved surface;
- Outside storage of junk and debris.

**SUMMARY OF DECISION:**

Code enforcement notice and order is affirmed with extension of time granted.

EXAMINER PROCEEDINGS:

Hearing Opened:

November 18, 2004

Hearing Closed:

November 18, 2004

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. On October 5, 2004, the King County Department of Development and Environmental Services issued a notice of King County code violation; civil penalty order; abatement order; notice of lien; duty to notify ("notice and order") to Charles E. France. The property subject to the notice and order is located at 6604 – 211<sup>th</sup> Place Northeast in unincorporated King County. Charles E. France is the owner of the subject property.
2. The notice and order alleged violations of the King County Code, as specifically set forth in the notice and order. The substance of the alleged violations is accumulation of inoperable vehicles and vehicle parts on the site, parking and storage of vehicles on unimproved surfaces, use of a recreational vehicle or vehicles as dwelling units, accumulation of assorted rubbish, salvage and debris, and repairing a fire-damaged residence without required permits.
3. A timely appeal of the notice and order was filed by Charles France on October 12, 2004. The statement of appeal asserts that the repair to the fire-damaged residence was done two years ago by a contractor, is now complete, and that the Appellant did not live on the property at that time. The Appellant also asserts that there is no use of recreational vehicles for occupancy, that 8 vehicles are permitted on the property, that vehicles on the right-of-way are licensed and operational, and that it is unclear what is meant by "rubbish, salvage and debris throughout the premises".
4. The use of the subject property by Charles France has been the subject of prior code enforcement proceedings in 1995 and 1998. The substance of the 1995 proceeding was use of the property to store inoperable and junk vehicles and vehicle parts, parking on non-improved surfaces, and the open storage of junk and debris. The 1998 proceeding was brought for substantially the same violations, together with an allegation that travel trailers and/or a camper are illegally occupied on the property. In both cases, Mr. France's appeals were denied and he was ordered to reduce the number of vehicles parked on the property to not more than 8, discontinue the storage of inoperable vehicles, vehicle parts and equipment on the site, discontinue parking vehicles on non-impervious surfaces and discontinue parking vehicles in the required setback areas. Mr. France was also ordered to remove all rubbish, junk and debris from the property, except items contained in a lawfully constructed building.
5. Currently numerous vehicles are parked on the property, many on pervious, unimproved surfaces. In addition, junk and debris is stored in open view on the property. One or more recreation

vehicles/travel trailers are on the property, and are utilized as residences by members of Mr. France's family and/or their friends. All of these uses violate sections of the King County Zoning Code and International Building Code cited in the notice and order.

6. A fire occurred at Mr. France's residence on the subject property in 2001. Mr. France arranged through a contractor for the repair of the fire damage, utilizing insurance proceeds for that purpose. Mr. France was not aware that a permit was required for the repair work, and the contractor failed to obtain the necessary permits.
7. Mr. France has stated that he will make a good faith effort to obtain all necessary permits for the construction work done to repair the fire damage to the premises. He also states that he has removed a substantial amount of scrap metal from the premises and will work aggressively to reduce the number of vehicles at the premises and the remaining debris. However, Mr. France's prior promises to bring the property into compliance with the King County Zoning Code have not been kept.
8. The present condition of the subject property is a substantial detraction from the ambiance of the neighborhood and devalues the properties of the adjacent and nearby residents.

#### CONCLUSIONS:

1. The present use and condition of the subject property, in the manner stated in the foregoing findings, violates the King County Zoning Code, the International Building Code as adopted by King County, and constitutes a public nuisance.
2. The unauthorized occupancy of recreation vehicles/travel trailers on the subject property constitutes a hazard to the public health.
3. All inoperable motor vehicles, junk and debris, and travel trailers/recreational vehicles should be removed from the subject property without delay. Thirty days is a reasonable period to allow the Appellant to accomplish this removal.
4. All operating vehicles in excess of 8 should be removed from the subject property without undue delay. No vehicles should be permitted to remain on pervious, unimproved surfaces. A reasonable time to allow the Appellant to remove all vehicles in excess of 8 and to provide for the parking of remaining vehicles on suitably improved surfaces outside of required setback areas is 30 days.
5. The travel trailers/recreational vehicles should be removed from the subject property immediately so as to eliminate any unauthorized occupancy of these vehicles. A reasonable time period for the removal of the travel trailers/recreational vehicles is 30 days.
6. A reasonable period within which the Appellant should be allowed to make application for the permits required for the construction that was done to repair fire damage to the premises is 90 days.
7. The Department of Development and Environmental Services should take all action that is authorized and appropriate to assure compliance with the notice and order issued on October 5,

2004 and affirmed by this decision, including the imposition and collection of penalties assessed, abatement of any violations not corrected within the time periods allowed and the collection of the costs of abatement, if required.

DECISION:

The notice and order issued October 5, 2004, is affirmed and the appeal by Charles E. France of that notice and order is DENIED.

All violations alleged in the said notice and order shall be corrected on or before December 23, 2004, except that occupancy of travel trailers/recreational vehicles on the subject property shall cease immediately, and application for all permits required for the repair of the fire-damaged residence shall be filed, with all necessary supporting documents and fees, on or before February 23, 2005.

Failure by the Appellant to accomplish compliance by the said dates shall subject the Appellant to the penalties set forth in the notice and order. Accrual of penalties shall commence on December 24, 2004 for all violations; except that penalties shall accrue from November 29, 2004 for any occupancy of the recreational vehicles/trailers subsequent to November 28, 2004, and penalties shall accrue from February 24, 2005 for any failure to file applications for the required permits for the repair of the fire-damaged residence on or before February 23, 2005.

ORDERED this 23rd day of November, 2004.

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James N. O'Connor  
King County Hearing Examiner *pro tem*

TRANSMITTED via certified mail this 23rd day of November, 2004, to the following:

Charles E. France  
6604 – 211<sup>th</sup> Place Northeast  
Redmond, Washington 98053

TRANSMITTED this 23rd day of November, 2004, to the following parties and interested persons of record:

Charles E. France  
6604 211th Place NE  
Redmond WA 98053

Suzanne Chan  
DDES, Code Enf.  
MS OAK-DE-0100

Elizabeth Deraitus  
DDES/LUSD  
Code Enf. Supvr.  
MS OAK-DE-0100

Erroll Garnett  
DDES/LUSD  
Code Enf. Section  
MS OAK-DE-0100

Patricia Malone  
DDES/LUSD  
Code Enf. Section  
MS OAK-DE-0100

## NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

## MINUTES OF THE NOVEMBER 18, 2004, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0000468.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was Erroll Garnett, representing the Department; Charles E. France, the Appellant; Clyde Spangler and Rick Nogler.

The following exhibits were offered and entered into the record:

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|----------------|--|
| Exhibit No. 1  | DDES Staff Report dated November 18, 2004  |
| Exhibit No. 2  | Copy of the Notice & Order issued October 5, 2004  |
| Exhibit No. 3  | Copy of Appeal received October 12, 2004   |
| Exhibit No. 4  | Copies of Codes cited in the Notice & Order  |
| Exhibit No. 5  | Copies of case log information for E91C1453  |
| Exhibit No. 6  | Copies of case log information for E9500582  |
| Exhibit No. 7  | Copies of case log information for E9700412  |
| Exhibit No. 8  | Copies of case log information for E0000468  |
| Exhibit No. 9  | Copy of Fire Investigation scene report from August 17, 2001   |
| Exhibit No. 10 | Photographs taken by Erroll Garnett dated February 8 & 26, 2004, August 26, 2004, And November 4, 2004   |
| Exhibit No. 11 | Copy of electrical permit  |
| Exhibit No. 12 | Agreement with Philo Company, Inc., General Contractor for repairs to premises totaling \$25,363.25 with Philo Company, Inc. agreeing to pay John Werner |
| Exhibit No. 13 | August 3, 1995 Hearing Examiner's Decision   |
| Exhibit No. 14 | October 16, 1998 Hearing Examiner's Decision   |